

**In the Matter of:**

**Jane Doe**

**v.**

**The University of Virginia, et al.**

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**Asher Biemann**

**August 9, 2024**

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Asher Biemann

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8/9/2024

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

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JANE DOE,

Plaintiff,

- vs -

Case No.

3:23-cv-00018-RSB

THE UNIVERSITY OF VIRGINIA,  
et al.,

Defendants.

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Manassas, Virginia

Friday, August 9, 2024

Deposition of

ASHER BIEMANN

a witness, was called for examination by counsel  
on behalf of the Plaintiff, pursuant to notice,  
taken via the ZOOM Module, beginning at 10:00  
o'clock a.m., before MICHELLE L. DONATH, a  
Verbatim Reporter and Notary Public in and for  
the State of Virginia, at large, when there were  
present on behalf of the respective parties:

Asher Biemann

28  
8/9/2024

1 complaint and puzzled by it, and I think we  
2 shared that sense of puzzlement.

3 Q And tell me what surprised and puzzled  
4 you.

5 A The complaint seemed to make certain  
6 allegations, for lack of better word, that I  
7 didn't quite understand why they were there, and  
8 I did not understand them.

9 During the entire process, I did my  
10 utmost to help the student, the Plaintiff, and to  
11 care for her, and it took me by surprise, and I  
12 shared that sense of surprise with my wife.

13 Q So specifically, which allegations were  
14 you surprised by?

15 A Well, allegations that suggested that I  
16 -- that I knew or should have known the nature of  
17 the relationship with the Plaintiff and Professor  
18 Finder, and also allegations that I did not act  
19 in an expeditious manner to assist the students  
20 to get professional help.

21 Q So why did the allegation that you knew  
22 or should have known about the relationship

Asher Biemann

29  
8/9/2024

1 surprise you?

2 A Because I did not know about it and  
3 wondered how could I have known about it.

4 Q Okay. And why did the allegation that  
5 you did not assist the Plaintiff in an  
6 expeditious manner surprise you?

7 A Because I believed that I acted very  
8 quickly under the circumstances, and with all the  
9 ambiguities of the case, and I acted with -- my  
10 first impulse was to help the student and to make  
11 sure she's going to be okay and that we get  
12 possible professional help and a chance to share  
13 her story with the professional.

14 Q You just referenced the ambiguities of  
15 the case. What are those ambiguities?

16 A Well, for me, the ambiguities were that  
17 the case was presented to me as a relation -- as  
18 a consensual relationship that lasted for more  
19 than one year with a colleague of mine, and that  
20 relationship had gone awry.

21 And for me, the ambiguity lies in what  
22 do you do with a consensual relationship between

1 your recollection of those two incidents, so  
2 let's start with the first one.

3 In the complaint and in the  
4 investigative report, which I know you probably  
5 have not reviewed, there was a description of a  
6 dinner where Dr. Finder, Jane Doe, yourself, and  
7 I believe the woman who is now your wife had a  
8 meal together.

9 Do you recall that?

10 A Yes, I do recall the dinner.

11 Q Okay. So tell me about that dinner, you  
12 know, to the extent that you recall what was  
13 discussed, you know, how did the dinner go, just,  
14 you know, what you can recall from it.

15 A The dinner took place I believe on  
16 December 27th in Vienna. It took place in a  
17 vegetarian restaurant, and the reason is that  
18 Professor Finder and also my wife are vegetarian.  
19 I don't remember now whether Jane Doe is also a  
20 vegetarian, but there was a good reason to go to  
21 the vegetarian restaurant.

22 And it -- well, either way, I understood

Asher Biemann

60  
8/9/2024

1 the dinner was that it was a chance for us -- it  
2 was the first evening. We had just arrived in  
3 Vienna, the first evening to discuss a bit how  
4 the course would unfold, what we should do.

5 And actually Professor Finder spent a  
6 good time of the dinner talking about -- talking  
7 through the itinerary for the course.

8 I seem to remember that also my wife and  
9 Jane Doe kind of spoke at the dinner  
10 independently, and I think they had a warm  
11 relationship, my wife and Jane Doe.

12 Q And was this a common occurrence on  
13 those trips that you would have dinner with Dr.  
14 Finder to discuss the plans for the course at the  
15 beginning, or was this a one-time thing?

16 A No, this actually would be fairly  
17 common, whether it was a dinner or that we're  
18 going to a café. We would simply sit together  
19 and lay out the plan for the study abroad course.

20 Q Got it. And at any of those other  
21 dinners, was there anyone else there, your wife  
22 or any other students? Or I'm sorry, I believe

Asher Biemann

64  
8/9/2024

1 Q Okay. And do you recall who invited  
2 Jane Doe to that dinner?

3 A I -- I assume it was Dr. Finder.

4 Q Did you think it was unusual that he  
5 brought a student to that dinner?

6 A Not in the least. We had taught courses  
7 together, and that often includes students to  
8 dinners. And it seemed to me that this  
9 particular dinner at this particular moment also  
10 gave a chance for the student, who had arrived my  
11 understanding was that day, to have a dinner.

12 So I thought it was very normal that  
13 Professor Finder had included her, because she  
14 was there without the other students having  
15 arrived, to simply have a dinner.

16 Q And so did you know why she arrived  
17 early?

18 A I don't think I knew why she arrived  
19 early.

20 Q Was it common for a student to arrive  
21 early?

22 A It was not unusual. Some students chose

Asher Biemann

65  
8/9/2024

1 to travel a few days early to Europe, to see  
2 things, to use the trip already to do some  
3 sightseeing. So it was not unusual that a  
4 student would arrive earlier.

5 Q And if you can recall, were those  
6 students who arrived early, were they generally  
7 invited to dinners with you two, or were they on  
8 their own?

9 A So the students -- again, I don't have a  
10 clear recollection which students arrived earlier  
11 and which ones took our trips, but many arrived  
12 earlier and actually went to different cities  
13 first to explore another place, another city.

14 So I don't remember now an incident  
15 where we had a student who arrived early and we  
16 had a dinner together. I don't remember an  
17 incident. It may well have been, and if so, it  
18 wouldn't have occurred to me as memorable.

19 Q Okay. During that dinner, how did Dr.  
20 Finder and Jane Doe interact with each other?

21 A I think very normally, nothing in the  
22 interaction that suggested anything beyond a



Asher Biemann

71  
8/9/2024

1 effect that she should relax and take good care  
2 of herself, something along those lines.

3 Q Got it. And then after she left your  
4 office, did you talk to anybody about that  
5 conversation with her?

6 A So do you mean that -- that very moment,  
7 that very day, or --

8 Q No, I don't -- yeah, no, any time  
9 between that and then when she came to your  
10 office the next time, ten days later, just  
11 whether you discussed any of it with anybody.

12 A Right. So the conversation certainly  
13 took me by surprise. It was a lot of  
14 information. It was a story that I had not  
15 anticipated. Honestly, I had not anticipated it  
16 in my wildest fantasy.

17 And because it was so much, and because  
18 it put me also in a state of surprise, I sat down  
19 to simply organize my mind and kind of try to  
20 record what I had heard in the story.

21 And then I -- knowing that the story was  
22 consensual, I also was questioning myself, asking

Asher Biemann

99  
8/9/2024

1 Q Okay. I don't have anymore questions.

2 Thank you so much for your time. I really

3 appreciate it.

4 A You're welcome.

5 MR. BERNHARDT: Elizabeth, are you ready

6 for me to -- okay.

7 EXAMINATION ON BEHALF OF DEFENDANT UVA

8 BY MR. BERNHARDT:

9 Q This is Chris Bernhardt, and I represent

10 UVA, and I'm going to go ahead and ask Professor

11 Biemann a few questions.

12 Professor Biemann, during the J-Term

13 trip that happened between December 2018 and

14 January of 2019, did you see Professor Finder

15 make any romantic advances to Jane Doe?

16 A I do not recall seeing any romantic

17 advances in his words or in actions. And I

18 believe if I had seen that, I would remember it.

19 Q Professor Biemann, during the J-Term

20 trip in December of 2018 through January of 2019,

21 at any point did you hear Professor Finder make

22 any sexually suggestive comments to Jane Doe?

Asher Biemann

100  
8/9/2024

1           A     No, I don't recall hearing any  
2 suggestive comments.

3           Q     And during the J-Term trip between  
4 December of 2018 and January of 2019, did you  
5 ever see Professor Finder touch Jane Doe in a  
6 sexual manner?

7           A     No, I did not see him touch her in any  
8 sexual manner.

9           Q     Did Professor Finder during the December  
10 2018 and January 2019 J-Term trip ever express to  
11 you that he had any physical attraction to Jane  
12 Doe?

13          A     No, he did not.

14          Q     Did Professor Finder at any time express  
15 to you that he had any physical attraction to  
16 Jane Doe?

17          A     No, he did not.

18          Q     During the J-Term trip from December  
19 2018 to January 2019, did you ever observe  
20 Professor Finder engaging in anything that you  
21 considered to be flirting with Jane Doe?

22          A     I do not recall an incident of him

Asher Biemann

101  
8/9/2024

1       flirting, and I believe if I had seen that, I  
2       would have remembered it.

3           Q       I believe you mentioned that Professor  
4       Finder would tend to engage in banter, humorous  
5       banter with his students.

6                   Did I understand that correctly?

7           A       Yes, he did.

8           Q       Is humorous banter something that Jane  
9       Doe would also engage in with you, for example?

10          A       I by nature am a more reserved person  
11       than Professor Finder is. But I think Jane Doe  
12       was certainly also joking with me, and whether I  
13       would call it banter or not, I'm not sure, but  
14       she certainly, yeah, would also joke with me.

15          Q       And during the J-Term trip from December  
16       2018 to January 2019, did you ever observe Jane  
17       Doe joking with Professor Finder?

18          A       Joking, yes, and as did other students.  
19       So, again, this was not an uncommon sight that  
20       students would laugh and joke with Professor  
21       Finder.

22          Q       Professor Biemann, I believe that Jane

Asher Biemann

102  
8/9/2024

1 Doe at some point was -- fell ill during the  
2 December 2018-January 2019 J-Term trip; is that  
3 correct?

4 A Yes, that's correct.

5 Q Did you ever ask her how she was doing  
6 during the December 2018-January 2019 J-Term  
7 trip?

8 A Yes, I did. She felt ill in the -- it  
9 was the evening. Maybe the second day we went to  
10 a movie theater, the entire class, to watch The  
11 Third Man, and Jane Doe felt that she was coming  
12 down with the flu. And I asked her how she was  
13 doing and asked her to rest and maybe take a day  
14 off.

15 If I'm not mistaken, she took the next  
16 morning off, and I believe the next morning was  
17 actually a free morning. She took that off, and  
18 then felt better in the afternoon and returned to  
19 the class.

20 Q Do you recall any other times during the  
21 J-Term trip that you checked on how Jane Doe was  
22 doing?

Asher Biemann

103  
8/9/2024

1           A       Well, this is a time where I felt she  
2       was really not well, so I asked her how she was  
3       doing, was everything okay. She told me that she  
4       is not feeling well, that she is feeling sick,  
5       and she was getting sick, so it made perfect  
6       sense to me.

7                   I don't recall another time where she  
8       was really not well.

9           Q       And did at any time during the J-Term  
10       trip between December 2018 to January '19, did  
11       Jane Doe ever tell you that Professor Finder had  
12       made any sexual advances toward her?

13          A       No, she did not.

14                   MR. BERNHARDT: I have no further  
15       questions. Thank you, Professor Biemann.

16                   MS. ABDNOUR: And I don't have any  
17       follow-up.

18                   MR. BERNHARDT: Michelle, Professor  
19       Biemann would like to read his transcript.

20                   COURT REPORTER: Absolutely, yes.

21                   And, ma'am, Ms. Abdnour, did you want  
22       that typed then?

Asher Biemann

104  
8/9/2024

1 MS. ABDNOUR: Yes, please.

2 COURT REPORTER: Okay. And, Mr.

3 Bernhardt, do you want a copy?

4 MR. BERNHARDT: Yes, please, just a PDF.

5 COURT REPORTER: Okay, thank you.

6 (Whereupon, at approximately 12:40  
7 o'clock p.m., the taking of the deposition was  
8 concluded.)

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Asher Biemann

105  
8/9/2024

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CERTIFICATE OF NOTARY PUBLIC

I, MICHELLE L. DONATH, a Verbatim Reporter and the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me, that the testimony of said witness was taken by me steno graphically and that I thereafter reduced the same to typewriting; that said deposition is a true record of the testimony given by said witness; and that I have no interest in said proceedings, financial or otherwise, nor through relationship with any of the parties in interest of their counsel.



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MICHELLE L. DONATH  
NOTARY ID NUMBER 7111300  
Notary Public in and for the  
State of Virginia, at Large.

My commission expires:  
May 31, 2028